

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 PM

May 14, 2015

Council Chambers

COMMISSIONERS PRESENT: Peter DeMasters, Sam Loretta, Bill Kawecki, Bill Petros, and Tim Stranko

COMMISSIONERS ABSENT: William Blosser, Ken Martis, Carol Pyles, Michael Shuman

STAFF PRESENT: Christopher Fletcher, AICP

I. CALL TO ORDER/ROLL CALL: DeMasters called the meeting to order at 6:30 PM and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.

II. GENERAL PUBLIC COMMENTS:

III. MATTERS OF BUSINESS:

A. Approval of the March 12, 2015 meeting minutes – POSTPONED

B. Approval of the April 9, 2015 meeting minutes: Stranko moved to approve the minutes with a revision to replace the term “urban” with “commercial” in paragraph eleven (11) on Page 3 of 6; seconded by Petros. Motion carried unanimously.

IV. UNFINISHED BUSINESS

A. TX15-02 / Administrative / Urban Agriculture: Administratively requested Zoning Text Amendments to Article 1329.02 “Definitions”, Article 1331.05 “Permitted Land Uses”, and Article 1331.06 “Supplemental Regulations Pertaining to Permitted Land Uses Table” as they relate to encouraging urban agriculture. TABLED AT APRIL 9, 2015 HEARING.

Stranko moved to remove TX15-02 from the table; seconded by Petros. Motion carried unanimously.

Fletcher presented the Staff report and referred to handouts that were given to the Commissioners.

Fletcher referred to the amendment and suggested omitting the word “chicken” and replace with “domestic poultry”, which includes turkey, duck, goose, peasant, pigeon, guinea fowl, partridge, pea fowl and quail.

Fletcher referred to the new section in the amendment to explain where domestic poultry can be located on the property and noted the additional changes that are marked in green within the amendment.

Loretta asked if six (6) of two different kinds of domestic poultry would be permitted. Fletcher confirmed and explained there can be different kinds but the total shall not exceed six (6) in number.

Kawecki asked why the quantity of bees were not lowered. DeMasters explained that bee keepers generally know the best practices and did not feel the need to limit the amount of bees allowed.

Stranko noted there are nuisance laws that could apply if a bee keeper should contain more than the appropriate amount of bees.

Kawecki asked what would constitute commercial use of bees. DeMasters noted that commercial agriculture is prohibited in the certain areas that would fall under the prohibition.

Fletcher referred to the text amendment and explained that bees can be kept at both home and commercial agriculture uses. The working group decided not to establish new restrictions with the colonies as bee keepers are knowledgeable and property owners could fall back on nuisance laws if needed to protect their safety and their property.

Petros asked what would constitute the chickens as being a nuisance. Stranko stated the issue would go before a judge and the petitioner would prove the elements of nuisance.

After discussion ensued on what defines a nuisance, Stranko noted there are enough tools within the ordinance that protects the innocent neighbor's quality of life. If there are an abundance of nuisance complaints, then the issue could be brought back before the City to make the necessary changes in the law.

DeMasters noted that chickens and roosters are currently allowed within the City limits and the proposed text amendment would help eliminate potential nuisances that may currently be an issue.

Loretta asked if the City has ample personnel to police the complaints should they become an issue. Fletcher stated that currently there are very few complaints that are submitted regarding chicken nuisances within the City.

Petros expressed concerns on reporting the nuisance as it could be subjective.

Fletcher explained how enforcement would generally respond to a complaint. Fletcher noted that side and rear property line setbacks could be changed based on the conversation and concerns expressed.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of the text amendment.

DeMasters recognized Jenny Selin of 1224 Fairlawns Avenue who read a letter from her neighbor that supported the text amendment to increase the number to six (6) chickens within the City. Selin encouraged the Commission to move forward with the changes in the ordinance and thinks it is important to encourage people to raise their own food.

DeMasters recognized Ruth Heavener of 1145 Louise Avenue who spoke in favor of the ordinance.

There being no further comments, DeMasters declared the public hearing closed and asked for Staff recommendations.

Petros asked if existing chicken coups would have to be moved. Fletcher stated he did not know if that is a vested property right and would look into the matter.

Fletcher read the Staff recommendations.

Stranko moved to forward a favorable recommendation to City Council to amend Planning and Zoning Code as presented in TXT 15-02; seconded by Kaweck. Motion carried 4-1 with Loretta voting nay.

V. NEW BUSINESS:

- A. MNS15-07 / Devine-King / 524 Overhill Street:** Request by Ann and Gary Devine-King for minor subdivision approval of property located at 524 Overhill Street; Tax Map 14, Parcels 303 and 304; R-1A, Single-Family Residential District.

Fletcher presented the Staff report. Fletcher noted the applicant requested Staff to represent the petition.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Stranko moved to approve Case No. MNS15-07 as requested with Staff recommended conditions; seconded by Loretta. Motion carried unanimously.

NOTE: The following conditions were included in the motion:

- 1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,*
- 2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.*

- B. MNS15-08 / Smith / 402 Sanford Street:** Request by Justin Smith, on behalf of MJM Properties, LLC, for minor subdivision approval of property located at 402 Sanford Street; Tax Map 40, Parcel 237; R-1A, Single-Family Residential District.

Fletcher presented the Staff Report.

DeMasters recognized Justin Smith of 4508 Laurel Ridge Drive who concurred with the Staff report and explained that a subdivision has been requested in order to construct two single-family homes.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Stranko moved to approve Case No. MNS15-08 as requested with Staff recommended conditions; seconded by Petros. Motion carried unanimously.

NOTE: The following conditions were included in the motion:

1. *That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,*
2. *That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.*

VI. OTHER BUSINESS:

A. Committee Reports

- Traffic Commission: No report.
- Green Team: No report.

B. Staff Comments:

- Fletcher read and elaborated on a memorandum that was presented to the Commissioners regarding Appendix A of the 2013 Comprehensive Plan Update. A set of guidelines were presented for preparing small area plans as a method to begin addressing identified “Future Study Areas.” Discussion ensued on future study areas and how to approach executing the plan. Stranko moved to formally support and accept the attached guidelines as a framework so that “Future Study Area” planning can be initiated and presented to the Planning Commission for recommendations to City Council; seconded by Kaweck. Motion carried unanimously.

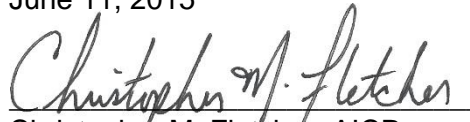
VII. FOR THE GOOD OF THE COMMISSION: None

VIII. ADJOURNMENT: 7:43 PM

MINUTES APPROVED:

June 11, 2015

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP